

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

CLINTON HECK,

Plaintiff,

v.

MARC STERN, *et al.*,

Defendants.

Case No. C06-5030RJB

ORDER STRIKING PLAINTIFF'S  
MOTION FOR PRELIMINARY  
INJUNCTION, GRANTING LEAVE  
TO AMEND AND DENYING  
REQUEST FOR COUNSEL

This 42 U.S.C. § 1983 action has been referred to the undersigned Magistrate Judge pursuant to Title 28 U.S.C. §§ 636(b)(1) and Local MJR 3 and 4. The plaintiff has been granted leave to proceed *in forma pauperis*. (Dkt. # 7). Before the court is plaintiff's motion for preliminary injunction. (Dkt. # 10).

Plaintiff advises the court that he is now in agreement with defendants that there is presently no need for an injunction, as his prescribed medication has been approved for four months. Plaintiff seeks leave to amend his original complaint to "cure all deficiencies," and also asks that the court appoint counsel on his behalf. The court will first address plaintiff's request for counsel.

There is no right to have counsel appointed in cases brought under 42 U.S.C. § 1983.

Plaintiff has demonstrated an adequate ability to articulate his claims *pro se*. Plaintiff has presented no evidence of exceptional circumstances warranting the appointment of counsel. Plaintiff must be able to show how the legal issues involved are complex and also must make a showing that it is likely he will succeed on the merits. He has not done so. Accordingly, plaintiff's motion to appoint counsel (Dkt. # 15) is **DENIED**.

Plaintiff asks that he be allowed to amend his complaint to “cure all deficiencies.” That motion (Dkt. # 15) is **GRANTED**, and plaintiff shall have until **May 30, 2006** to file an amended complaint. Plaintiff is advised that the court will review the amended filing to determine whether it properly states a claim before this case is allowed to proceed.

Plaintiff's motion for preliminary injunction (Dkt. # 10) is **STRICKEN** from the court's docket.

DATED this 10th day of May, 2006.

  
Karen L. Strombom  
United States Magistrate Judge